

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 15, 2009
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Bonincontri, Chelminiak, Davidson, and Lee

ABSENT: Councilmember Noble

1. Call to Order

The meeting was called to order at 8:07 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Councilmember Noble were present. Councilmember Bonincontri led the flag salute.

3. Communications: Written and Oral

- (a) Marv Peterson, President of the Meydenbauer Bay Neighbors Association, described the mission of the organization which was founded in the spring of 2007. He submitted comments in writing and reviewed residents' interests and concerns regarding Meydenbauer Bay Park. The organization's areas of focus are: 1) Keeping 100th Avenue open south of Main Street, 2) Maintaining moorage and the quality of the bay, 3) Concerns regarding rezone and redevelopment issues, and 4) Concerns regarding the potential commercialization of the park. The association looks forward to reviewing the draft Environmental Impact Statement (EIS) and providing comments to the City.
- (b) Anita Skoog Neil submitted comments in writing regarding the Meydenbauer Bay Park draft EIS. She expressed concerns regarding potential noise levels associated with further development of the park. She described instances in which loud groups of people were in the park or on a boat in the bay, and the noise impacts at her residence. Ms. Skoog Neil is concerned that the draft EIS concluded that none of the park alternatives would have noise impacts, and the study did not address the amplification of sound across the water. She described additional concerns regarding the scheduling of five public meetings over the next 5 to 6 weeks. She feels this is too many meetings within a

short timeframe, which will not provide the best opportunity for public involvement. She noted her preference for the no action park development alternative.

- (c) Scott Hannah introduced himself as Co-Chair of the City Liaison Committee of the Meydenbauer Bay Yacht Club. He expressed concerns regarding the potential closing of 100th Avenue, which represents 50 percent of the access to the club. Mr. Hannah said members are concerned about the infringement by too many outside boats on the youth sailing club.
 - (d) Walter Scott, President of Bellevue West Little League, encouraged the City to provide athletic fields in Eastgate Park. He said he respects residents who want to continue to use the meadow as an off-leash dog area, but he emphasized the need for places to hold tournaments. Mr. Scott submitted an aerial photo of a four-diamond baseball park and noted that he sent a letter to the Council regarding baseball facilities in the area.
 - (e) Phillip Kiti congratulated the Council on the Bel-Red Subarea Plan and for bringing together many diverse interests in the planning effort.
 - (f) Barbara Eisenstein, speaking on behalf of People for Off-Leash Recreation, commented on the Off-leash Dog Area study. She noted the need for smaller fenced areas, larger fenced areas, and open/shared spaces. She said trial periods are not unusual in cities creating off-leash areas, and they are especially important when considering a shared use area. She said it is important for off-leash areas to have rules, and noted that a problem with the Robinswood off-leash corrals is the lack of rules. Ms. Eisenstein said her organization has offered in the past to help the City create rules for the Robinswood facility.
 - (g) Kathleen Cole thanked the Council for taking the time to fully evaluate the off-leash area issue to determine what will work best for the community. She said approximately 200 dogs use the Downtown Park daily, and she encouraged the City to establish an off-leash area in this park on a one-year trial basis. Ms. Cole spoke to the importance of exercise and socialization with other dogs in raising a healthy dog. She said McCormick Park is unsuitable for an off-leash dog area due to its small size and proximity to traffic.
 - (h) Sidley Smith reminded the Council of her email to them in April. She encouraged the City to retain the open meadow in Eastgate Park, which her family has been enjoying for years. Ms. Smith opined that Eastgate Park fits the City's criteria for off-leash areas to a greater extent than other proposed sites. She noted that an enclosed off-leash area could be implemented at the park less expensively than at other parks.
4. Reports of Community Council, Boards and Commissions: None.
5. Report of the City Manager
- (a) Recognition of Retiring Fire Chief Trevino

City Manager Steve Sarkozy invited Council and the public to a reception in honor of retiring Fire Chief Mario Trevino on Friday, June 19, at 4:30-7:30 p.m. in City Hall.

(b) Management Brief Providing Meydenbauer Bay Planning and Park Update

Mike Bergstrom, Senior Planner, provided an update on the Meydenbauer Bay Park and Land Use Plan Draft Environmental Impact Statement (DEIS), which was released on June 4. The project steering committee has been working since May 2007, meeting 16 times, to review and provide input into the planning process. The steering committee will meet four more times during June and July (June 18 and 30, July 28 and 30) to arrive at a preferred alternative before Council's August recess. In addition, a Public Hearing is scheduled for June 23. Issuance of the Final EIS and a draft Park Master Plan is anticipated in November 2009.

Responding to Councilmember Davidson, Mr. Sarkozy said the project schedule is posted on the City's web site. Mayor Degginger requested that copies of the DEIS be provided to the Council as well.

Responding to Councilmember Lee's concern regarding the relatively short timeframe between now and the end of July to identify a preferred alternative, Mr. Bergstrom said the committee has met 16 times over the past two years and is very familiar with the project. However, they will extend their timeframe for formulating a recommendation if needed.

Deputy Mayor Balducci recommended that Councilmembers and citizens ~~conduct a tour of~~ the area to gain a good sense of how development of the park should occur. She noted that comments and questions raised in response to the draft EIS will be addressed in the final EIS. Ms. Balducci said she would like staff to address the relationship between this planning process and the process to update shoreline regulations in the near future.

Responding to Councilmember Chelminiak, Mr. Bergstrom confirmed that the steering committee will review the draft EIS and recommend a preferred alternative for further evaluation in the final EIS. Mr. Chelminiak questioned whether the Council could have the opportunity, as an interim step, to discuss the draft EIS before the steering committee makes its recommendation. He feels that the objectives outlined in the report are not entirely consistent with those previously identified by the Council.

Mayor Degginger requested a summary of the comments that occur during the Public Hearing on June 23.

6. Council Business and New Initiatives

(a) Arts Commission Appointment

Councilmember Bonincontri reported that six candidates for an opening on the Arts Commission were interviewed recently.

→ Councilmember Bonincontri moved to appoint Brad Smith to the Arts Commission. Councilmember Lee seconded the motion.

→ The motion to appoint Brad Smith to the Arts Commission carried by a vote of 6-0.

Deputy Mayor Balducci attended meetings of the Puget Sound Regional Council (PSRC) Transportation Policy Board and the Eastside Transportation Partnership (ETP). She reported that the Transportation Policy Board is starting to talk about a preferred alternative for the Destination 2040 Regional Transportation Plan. Early discussions by the Board indicate strong support for alternative five, which is the most extensive plan and includes planning related to arterials. As Bellevue's representative on the Board, Ms. Balducci is concerned that this alternative might be moving in a direction that is beyond what is envisioned by Bellevue residents.

Ms. Balducci reported that the discussion at the Eastside Transportation Partnership meeting focused on King County Metro's budget gap. She noted that an auditor recently discovered some one-time monies potentially available to Metro to offset proposed budget reductions.

Councilmember Lee commented that Metro's short term needs can be met in its budget. However, long-term funding remains a challenge.

Mayor Degginger attended the U.S. Conference of Mayors meeting. He noted that economic challenges are felt across the country. However, Bellevue and the Puget Sound region are in a better position than many areas. Transportation and environmental issues were a key focus of the conference. Mr. Degginger reported that recycling participation in Bellevue is significantly higher than in many areas. Mayor Degginger also attended the first meeting of the committee established to study tolling on I-405 in response to a mandate by the state legislature.

7. Approval of the Agenda

→ Deputy Mayor Balducci moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

→ Deputy Mayor Balducci moved to approve the Consent Calendar, as amended by revisions to Ordinance and Resolution numbers reflected in the revised agenda. Councilmember Chelminiak seconded the motion.

→ The motion to approve the Consent Calendar, as amended, carried by a vote of 6-0, and the following items were approved:

- (a) Minutes of May 18, 2009 Study Session
Minutes of May 18, 2009 Regular Session

Minutes of May 26, 2009 Extended Study Session

Minutes of June 1, 2009 Study Session

Minutes of June 1, 2009 Regular Session

- (b) Resolution No. 7934 authorizing execution of Amendment #2 to the Professional Services Agreement with GovDelivery, Inc., in an amount not to exceed \$14,520, for email subscription services, maintenance, and reporting for the City's internet site.
- (c) Motion to approve payment of claims for the period May 29, 2009 through June 12, 2009 and payroll for the period May 1, 2009 through May 31, 2009.
- (d) Ordinance No. 5885 authorizing execution of a grant agreement with the Washington State Military Department to accept grant funds of up to \$100,900, for emergency management purposes and authorizing expenditure of the grant funds.
- (e) Resolution No. 7935 authorizing execution of a one-year extension of an existing Professional Services Agreement with Gordon Hamasaki, in an amount not to exceed \$60,810, for Police Department Forensic Photography services.
- (f) Resolution No. 7936 authorizing execution of a purchase agreement with VirTra Systems, in an amount not to exceed \$122,957.55, for a Police Small Arms Training Simulator.
- (g) Resolution No. 7937 adopting the City of Bellevue 2010-2015 Transportation Improvement Program.
- (h) Resolution No. 7938 authorizing execution of a Consulting Agreement with DKS Associates, in an amount not to exceed \$150,000, to determine system requirements and finalists for Bellevue's new traffic signal control system.
- (i) Resolution No. 7939 authorizing execution of a four-year General Services Contract with Stripe Rite, Inc., in the amount of \$308,739.92, to provide citywide striping maintenance.
- (j) Resolution No. 7940 authorizing execution of two agreements to relinquish two sanitary sewer pipeline easements no longer required by the Sewer Utility at 3273 and 3263 West Lake Sammamish Parkway SE, Bellevue.
- (k) Motion to reject the two lowest bids as non-responsible and therefore non-responsive, and to award Bid No. 9120 for SE 30th Street/Sunset Creek Culvert Replacement Project, to Mosbrucker Excavating, Inc., in an amount not to exceed \$794,884.00, as the lowest responsible and responsive bidder (CIP Plan No. D-94).

9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions
 - (a) Development Agreement with Wright Runstad for The Spring District, and Related Ordinances

Mr. Sarkozy recalled previous discussions regarding Code amendments related to the Development Agreement with Wright Runstad for a redevelopment project in the Bel-Red corridor known as The Spring District. He requested Council action on four pieces of legislation.

Planning and Community Development Director Matt Terry said that he and Deputy City Attorney Kate Berens are available to respond to questions from the Council. He noted one minor change in the Code amendments to clarify the role of the Hearing Examiner, as requested by Councilmember Chelminiak.

Responding to Mayor Degginger, Mr. Terry described the conditions that resulted in the comment letter from Sound Transit regarding the Development Agreement. Mr. Terry said City staff was recently approached by Sound Transit about the possibility of amendments to the Development Agreement to incorporate what Sound Transit staff believes is direction from the Sound Transit Board to seek City and possibly developer financial participation in the 122nd light rail station contemplated for the Bel-Red area. After much discussion, both Sound Transit and Bellevue staff concluded it was premature to draft language contemplating such a relationship. However, the two agencies will work together on design issues in the future, as well as funding for the station.

Mayor Degginger questioned whether Sound Transit has an expectation that the City will contribute to a public-private partnership for other stations to be developed in Bellevue. Mr. Terry said the issue of setting a precedent and how this issue relates to the rest of the system was raised by Bellevue staff. Sound Transit has not responded to Bellevue's inquiry on this issue.

Responding to Mayor Degginger, Mr. Terry confirmed that no assurances have been made with respect to the City's potential funding participation for any of the stations. Bellevue is not prepared to make any commitments in this regard until design work is completed and City staff have the opportunity to evaluate the potential for cost savings in developing the station.

Resolution No. 7941 authorizing execution of a Development Agreement governing development of an approximately 36-acre parcel in the Bel-Red Subarea known as The Spring District.

→ Deputy Mayor Balducci moved to approve Resolution No. 7941, and Councilmember Chelminiak seconded the motion.

→ The motion to approve Resolution No. 7941 carried by a vote of 6-0.

Ordinance No. 5882 amending the Bellevue City Code relating to time limitations applicable to threshold determinations issued under the Bellevue Environmental Procedures Code and providing for consistency with the Bel-Red Land Use Code provisions related to Catalyst Projects; amending Bellevue City Code Section 22.02.034.C; and establishing an effective date.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5882, and Councilmember Chelminiak seconded the motion.

→ The motion to adopt Ordinance No. 5882 carried by a vote of 6-0.

Ordinance No. 5883 amending the Traffic Standards Code to reflect recent amendments to the Bel-Red Subarea plan and Transportation Element of the Comprehensive Plan; amending Sections 14.10.005, 14.10.010, 14.10.020, 14.10.030, 14.10.040, 14.10.050, and 14.10.060 of the Bellevue City Code; deleting Attachment A to chapter 14.10 of the Bellevue City Code; adding a new Figure 1 to chapter 14.10 of the Bellevue City Code; and establishing an effective date.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5883, and Councilmember Chelminiak seconded the motion.

→ The motion to adopt Ordinance No. 5883 carried by a vote of 6-0.

Ordinance No. 5884 repealing Chapter 15.04 Local Improvements of the Bellevue City Code; adopting a new Chapter 15.04 Local Improvements of the Bellevue City Code; amending Chapter 3.68 of the Bellevue City Code to clarify the Hearing Examiner's authority; and establishing an effective date.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5884, and Councilmember Chelminiak seconded the motion.

→ The motion to adopt Ordinance No. 5884 carried by a vote of 6-0.

Mayor Degginger commented on the lengthy study and review process by the Council and staff to arrive at this point in the planning process. He commended staff for their hard work on this project.

Councilmember Chelminiak thanked staff for their progressive approach to establishing the Development Agreement.

Councilmember Lee commented that this is a significant step toward facilitating an important catalyst project in the Bel-Red corridor.

12. Unfinished Business

(a) Off-leash Study Report and Recommendations [Study Session Agenda Item 2(a)]

[Continuation of discussion from earlier Study Session.]

Councilmember Davidson disclosed that he has been a dog owner for approximately 40 years. He participated in the 1984 planning effort for the Downtown Park, which was supported in part by private sector fundraising efforts. He opined that the open space in Downtown Park is not appropriate for parceling to accommodate an off-leash area. He concurs with the study's conclusion that off-leash dog parks should be distributed throughout the community. Dr. Davidson is opposed to shared use areas as a matter of public safety and a potential liability for the City. He looks forward to hearing the Parks and Community Services Board's recommendation for Eastgate Park and the appropriateness of an off-leash area at that location.

Mayor Degginger would like the appropriate uses at Eastgate Park to be determined through the park master planning process. His recollection is that the property was purchased with the objective of developing sportsfields as a primary use. However, he is open to considering an off-leash area as a secondary use.

Mayor Degginger said he is unsure, as are other members of the Council, about the appropriateness of an off-leash area in the Downtown Park, because it serves a wide range of users and purposes. He feels more information is needed in terms of how the area would be defined to further evaluate this location. He would like the Parks Board to spend more time reviewing the Downtown Park as a potential site.

Councilmember Chelminiak said Downtown Park is a difficult issue because dogs and their owners already use an area of the park on a daily basis, even though the area is not formally defined for that purpose. Other sections of the park are divided up for other uses as well. He understands the concerns related to shared use areas. He concurs with the suggestion that the Parks Board address the issue of how best to serve the need for off-leash areas throughout the community.

Mayor Degginger would like to understand potential options that might be feasible in the Downtown Park. He noted that he is not hearing strong support for McCormick Park as an alternate location. He suggested that a variety of funding mechanisms, including Neighborhood Enhancement Program (NEP) monies, should be considered.

Councilmember Lee concurred that various funding options should be considered. He agrees with the importance of establishing rules for off-leash areas. He said he shares Mayor Degginger's understanding that providing athletic fields was envisioned as a primary use at Eastgate Park. However, he is open to considering an off-leash area as well.

Councilmember Chelminiak explained that one concern of the Parks Board was the suitability of a trial period in terms of the implications for securing funding. He appreciates Barbara

Eisenstein's perspective, provided during Oral Communications, that a trial period will encourage compliance with rules by park users.

Councilmember Bonincontri stated her understanding that residents are interested in a designated shared use area within Downtown Park with specific hours for off-leash use. She questioned whether funds should be spent on creating corrals or other enclosed areas if they are subject to a trial period.

Councilmember Chelminiak concurred with Ms. Bonincontri that the proponents are not asking for a corral. He would not support a permanent corral in the Downtown Park.

Responding to Councilmember Davidson, Parks and Community Services Director Patrick Foran said Ashwood Park was considered. However, the site is heavily used for athletic practices and events. A review of the current Master Plan for the park would be needed to discuss the potential for an off-leash area as a temporary measure under any circumstances.

Mayor Degginger summarized the Council's interest in additional study of downtown alternatives, as well as the feasibility of Eastgate Park and/or Robinswood Park, by the Parks Board. The Council supports the concept of distributing off-leash areas in different parts of the community, as well as the concept of a trial period.

Deputy Mayor Balducci would like to hear from the Parks Board about how a shared use, time-constrained off-leash area in Downtown Park might be structured.

Responding to Councilmember Davidson, Mr. Sarkozy confirmed that Lakemont Park is informally used as an off-leash area.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:35 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

/kaw